

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

KEVIN COWDEN,

Plaintiff,

v.

BNSF RAILWAY COMPANY,

Defendant.

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No. 4:08CV01534 ERW

MEMORANDUM AND ORDER

This matter comes before the Court on Defendant BNSF Railway Company's Verified Motion to Quash or Stay Execution of Writ of Garnishment [ECF No. 275].

On November 8, 2013, a jury returned a verdict in favor of Plaintiff Kevin Cowden in the amount of \$1,671,253.90. The Court entered judgment on the verdict. On January 3, 2014, the Court awarded Plaintiff \$7,870.65 in costs. As of February 11, 2014, the parties agreed the amount of \$1,659,617.19 represented the judgment, costs, and post-judgment interest, minus \$19,983.00 for an agreed-upon lien of Railroad Retirement Board benefits. Plaintiff filed an Acknowledgement of Partial Satisfaction of Judgment [ECF No. 269], notifying the Court that Defendant had tendered \$1,611,061.21, leaving \$48,556.47 disputed by the parties. To obtain satisfaction of this latter amount, Plaintiff requested a Writ of Garnishment upon Defendant's bank account, which the Court issued on February 20, 2014.

On February 27, 2014, Defendant filed BNSF's Motion for an Order Showing Satisfaction of Judgment [ECF No. 271], arguing it has satisfied the judgment in full by tendering \$1,611,061.21, and properly withheld \$48,556.47 for payroll taxes applicable to the judgment and tendered to the United States Treasury.

On March 5, 2014, Defendant filed the instant Motion, asking this Court to either quash the Writ of Garnishment, or stay its execution pending disposition of BNSF's Motion for an Order Showing Satisfaction of Judgment. Plaintiff responded with a Notice of Plaintiff's Consent to Stay Execution of Writ of Garnishment [ECF No. 276], informing the Court he does not object to the issuance of a stay of execution of the Writ of Garnishment pending disposition of BNSF's Motion for an Order Showing Satisfaction of Judgment.

Accordingly,

IT IS HEREBY ORDERED that Defendant BNSF Railway Company's Verified Motion to Quash or Stay Execution of Writ of Garnishment [ECF No. 275] is **GRANTED**.

IT IS FURTHER ORDERED that the Writ of Garnishment is **STAYED** pending disposition of Defendant BNSF Railway Company's Motion for an Order Showing Satisfaction of Judgment [ECF No. 271].

Dated this 12th Day of March, 2014.



E. RICHARD WEBBER
SENIOR UNITED STATES DISTRICT JUDGE